

**Remarks**

Claims 1 and 39-45 are pending in this application. Claims 2-38 have been canceled, without prejudice or disclaimer. Claims 39-45 are newly added.

Claims 1, 4, 6, 8-12, 14, 15 and 36 were rejected under 35 USC 102(b) as being anticipated by EPA 0 353 139 (hereinafter EPA '139). Of these claims, claim 1 remains pending.

Embodiments of the invention according to claim 1 relate to a floor mat assembly comprising a floor mat perimeter and a non-tacky exposed top surface to clean at least a portion of a sole of a shoe coming in contact therewith. The non-tacky exposed top surface is configured to be at least partly bordered by the perimeter, and the perimeter has a different fabrication from the non-tacky exposed top surface. The floor mat assembly further comprises a tacky insert having a tacky exposed top surface and configured to be at least partly bordered by said non-tacky exposed top surface.

Accordingly, EPA '139 does not anticipate claim 1 for at least the reason that EPA '139 does not disclose a non-tacky exposed top surface to clean a sole of a shoe coming in contact therewith, as required by claim 1. Note is taken of the alleged equivalency between the tab 28 of EPA '139 and the "non-tacky insert" as previously recited in claim 1. However, clearly tab 28 is not capable of cleaning a shoe sole and thus cannot meet the above-noted recitation. Withdrawal of the rejection of claim 1 as anticipated by EPA '139 is therefore respectfully requested.

Claims 1, 2, 4, 8-12, 14, 17, 21 and 36 were rejected under 35 USC 102(b) as anticipated by Nappi (US 3,038,393). Of these claims, claim 1 remains pending. Along similar lines to those discussed in connection with EPA '139, the tab 28 of Nappi is alleged to correspond to the non-tacky insert previously recited in claim 1. However, again along earlier lines, the tab 28 cannot meet the recitation "a non-tacky exposed top surface to clean a sole of a shoe coming in contact therewith" as required by claim 1, and therefore claim 1 is allowable over Nappi for at least that reason. Accordingly, withdrawal of the rejection of claim 1 as anticipated by Nappi is respectfully requested.

Claims 1, 6 and 7 were rejected under 35 USC 102(b) as being anticipated by Wood (US 4,959,265). The applicant respectfully submits that this rejection is unsupported by Wood. The patentably distinguishable structural differences between

the claimed invention and the device described in Wood are explicit in claim 1: claim 1 recites "a floor mat assembly"; the Wood reference relates to a "pressure-sensitive adhesive tape fastener." The Office Action contends that the recitation "a floor mat assembly" describes an intended use; the applicant respectfully disagrees. "A floor mat assembly" describes a structure, not an intended use. Moreover, even if "a floor mat assembly" were interpreted as an intended use, the device disclosed in Wood cannot perform the intended use and therefore fails the criterion set by the Examiner. The device disclosed in Wood is for attaching an article to fabrics such as undergarments and is thus clearly too fragile to even approach being able to function as a floor mat. The applicant therefore respectfully requests withdrawal of the rejection of claim 1 as anticipated by Wood.


The remaining rejections in the Office Action are directed to canceled claims, and are therefore not discussed in detail herein. New claims 39-45 incorporate the limitations of claim 1 by dependency, and are therefore allowable over the art of record for at least the reasons discussed in connection with claim 1.

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: FEB. 13, 2004

By:   
William E. Curry  
Reg. No. 43,572

KENYON & KENYON  
1500 K Street, N.W., Suite 700  
Washington, D.C. 20005  
Tel: (202) 220-4200  
Fax: (202) 220-4201